

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BEST MEDICAL INTERNATIONAL, INC.,)	
Plaintiff,)	
)	
v)	2:10-cv-1043
)	
ACCURAY, INC., a corporation,)	
Defendant.)	

ORDER OF COURT APPOINTING SPECIAL MASTER

AND NOW, this 13th day of May, 2011, upon consideration of the parties SUBMISSION OF SPECIAL MASTER CANDIDATES IN RESPONSE TO THE MEMORANDUM ORDER OF APRIL 28, 2011, the Court hereby appoints Gale R. Peterson, Esquire of the Cox Smith law firm in San Antonio, Texas to serve as Special Master throughout the claim construction process in this case including, but not limited to conduct of the Claim Construction Hearing and preparation of a Report and Recommendation to the Court thereafter. Either party may file objections to - - or a motion to adopt or modify - - the Special Master's report or recommendation, no later than twenty (20) days from the time the Special Master's report and recommendations are submitted. A party may file a response to such objection or motion within ten (10) days of the initial filing of such objection or motion.

The parties shall provide copies of all of their claim construction submissions to Special Master Peterson so that he may become familiar with the patents at issue in advance of the Claim Construction Hearing which is anticipated to be scheduled in December 2011.

All reasonable costs and expenses related to the services rendered by the Special Master shall be shared equally by the parties.

BY THE COURT:

s/Terrence F. McVerry
United States District Judge

cc: Special Master
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